

CHARTER ORDINANCE NO. FIFTY-SIX

A CHARTER ORDINANCE EXEMPTING THE CITY OF OVERLAND PARK, KANSAS, FROM THE PROVISIONS OF K.S.A. 13-10,115, 13-10,116, 13-10,117 AND 13-10,118 CONCERNING STREETS; RELATING TO, IN PART, THE DECLARATION OF CERTAIN STREETS IN CITIES IN COUNTIES WITH A POPULATION OVER 120,000 TO BE MAJOR TRAFFIC STREETS; RELATING TO THE IMPROVEMENT OR REIMPROVEMENT THEREOF; AND RELATING TO THE PAYMENT OF THE COST THEREOF BY THE ISSUANCE OF NOTES AND BONDS; PROVIDING SUBSTITUTE PROVISIONS THEREFOR; AND PROVIDING ADDITIONAL PROVISIONS RELATING TO, IN PART, THE DECLARATION OF CERTAIN STREETS IN OVERLAND PARK TO BE RESIDENTIAL STREETS; RELATING TO THE IMPROVEMENT OR REIMPROVEMENT THEREOF; AND RELATING TO THE PAYMENT OF THE COST THEREOF BY THE ISSUANCE OF GENERAL OBLIGATION NOTES AND BONDS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. The City of Overland Park, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 13-10,115, 13-10,116, 13-10,117 and 13-10,118 concerning streets; relating to, in part, the declaration of certain streets in cities in counties with a population over 120,000 to be major traffic streets; relating to the improvement or reimprovement thereof; and relating to the payment of the cost thereof by the issuance of notes and bonds; and hereby provides substitute provisions and additional provisions as set forth herein. Such referenced K.S.A. 13-10,115, 13-10,116, 13-10,117 and 13-10,118 are applicable to this City but not uniformly applicable to all cities.

SECTION 2. The governing body of the City of Overland Park, Kansas, may by resolution declare any street to be in its opinion a major traffic street and declare its intention to improve or reimprove such street. The resolution shall describe in general terms the improvement or reimprovement to be made and the cost thereof and shall provide that the cost or a percentage of the cost shall be paid by the city-at-large out of the fund for the improvement and maintenance of streets or by the issuance of general obligation bonds. If the cost is to be paid by the issuance of general obligation bonds, temporary notes may be issued as provided by K.S.A. 10-123 and amendments thereto, during the progress of the work, and after the improvement is completed and the total cost ascertained, the general obligation bonds may be issued by ordinance.

SECTION 3. The city may cooperate with the state or with the federal government or with both in the planning and financing of the improvement and if state or federal funds are available to apply on the cost, the city may enter into such agreements or contracts with the state or federal government as may be necessary.

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SECTION 4. The improvement or reimprovement of major traffic streets may include the acquisition of right-of-way and easements necessary for the improvement or reimprovement. The improvement or reimprovement may also include construction of necessary bridges, culverts, drainage, gutters, curbing, sidewalks, street lighting, signalization and signage, utility relocation and any incidentals to the construction of the major traffic street. For the purpose of this charter ordinance, the resolution declaring a street to be a major traffic street shall be conclusive that such street is a major traffic street.

SECTION 5. The governing body of the City of Overland Park, Kansas may by resolution declare any street to be in its opinion a residential street and declare its intention to improve or reimprove such street. The resolution shall describe in general terms the improvement or reimprovement to be made and the cost thereof and shall provide that the cost or a percentage of the cost shall be paid by the city-at-large out of the fund for the improvement and maintenance of streets or by the issuance of general obligation bonds. If the cost is to be paid by the issuance of general obligation bonds, temporary notes may be issued as provided by K.S.A. 10-123 and amendments thereto, during the progress of the work, and after the improvement is completed and the total cost ascertained, the general obligation bonds may be issued by ordinance.

SECTION 6. The improvement or reimprovement of residential streets may include the acquisition of right-of-way and easements necessary for the improvement. The improvement or reimprovement may also include construction of necessary bridges, culverts, drainage, gutters, curbing, sidewalks, street lighting, signalization and signage, utility relocation and any incidentals to the construction of the residential street. For the purpose of this charter ordinance, the resolution declaring a street to be a residential street shall be conclusive that such street is a residential street.

SECTION 7. This charter ordinance shall be supplemental to all other charter ordinances or statutes relating to the improvement of streets and it shall not prevent the use of other charter ordinances or statutes for the improving of any such streets.

SECTION 8. It is the intention of the City that the provisions of this charter ordinance are severable and if any provision is declared unconstitutional or otherwise invalid by any court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining provisions of this charter ordinance as the same would have been enacted without the incorporation into this charter ordinance of such unconstitutional or invalid provision.

SECTION 9. This charter ordinance shall be published once each week for two consecutive weeks in *The Overland Park Sun*, an official City newspaper.

SECTION 10. THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN SIXTY DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF OVERLAND PARK EQUAL TO NOT LESS THAN TEN PERCENT OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF OVERLAND PARK

DEMANDING AN ELECTION ON THE CHARTER ORDINANCE, IN WHICH CASE THE CHARTER ORDINANCE SHALL BECOME EFFECTIVE ONLY IF APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

PASSED by the Governing Body of the City of Overland Park, Kansas, not less than two-thirds of the members elect voting in favor thereof, this 17th day of February, 1992.

Ed Eilert, Mayor

ATTEST:

Kristy Cannon  
Acting City Clerk

APPROVED AS TO FORM:

Jane Neff-Brain  
Assistant City Attorney

Passed: 2/17/92  
Published: 2/19/92  
2/26/92  
Effective: 4/27/92

